

Oak Ridge Environmental Peace Alliance
Oak Ridge, TN
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The Y-21 SW-EIS contains an extensive but selective list of statutes and orders which relate to environmental issues regulation at Y-12 (Table 7.2.1-1; I, 7-3ff.) Absent from this table are laws and court rulings which stand in opposition to DOE's proposed actions; the Table should be modified to reflect that other laws and treaties also bear on the decisions presented in this EIS.

SEGMENTATION

The Council on Environmental Quality Regulations (40 CFR 1508.25(a)) implementing NEPA state that an agency should analyze "connected actions" and "cumulative actions" in one EIS. An agency should also analyze "similar actions." (Recommendations for the Prep...DOE, May 1993) "Cumulative actions are those actions that, when viewed with other actions proposed by the agency, have cumulatively significant impacts and therefore should be discussed in the same EIS." A standard the Guidance sets for consideration of "similar actions" is "reasonably foreseeable."

In its guidance, DOE uses an example of a waste storage facility that will need to be built to handle waste generated by a proposed action but which is not yet ripe for proposal. It is, DOE says, a connected action with indirect effects. In the example, DOE says that cumulative impacts of the proposed action and the connected action must be described, but consideration of alternatives for the connected action may be deferred.

DOE presents two proposed activities in the Y-12 SW-EIS and considers alternatives for each. The preferred alternative identified is to move forward with construction of both the Highly Enriched Uranium Materials Facility and the Special Materials Complex and the continued operation of other production facilities at Y-12 at their 1987 level of activity. (5-84) The two facilities considered in the Y-12 SW-EIS are part of DOE's larger Integrated Site Modernization Program ("Y-12 SIM") and are described in Y-12 *Site Integrated Modernization 21st Century*, Y/EN-5858 released in March of 1999.

Y-12 *Site Integrated Modernization 21st Century* states: "An integrated master modernization plan is being developed. Initial emphasis will be placed on manufacturing facilities and important utility and support systems. This integrated plan will serve as a roadmap for the complete revitalization of the Y-12 Plant manufacturing facilities and its workforce." (p.12)

The document goes on to report: "Current plans call for the first capital modernization project, a new Highly Enriched Uranium Materials Facility, to be an FY2001 line item. This project would be followed closely by a new Special Materials Facility and a new Enriched Uranium Operations Facility, perhaps in FY2002 and FY2003." (p.13)

A timeline of activities associated with each of these three proposed facilities (p.15) indicates that 2/3 of all planning activities for the Enriched Uranium Facility were to be completed prior to the end of 2000. The remaining elements will, if on schedule, be completed prior to the issuance of a Record of Decision on the Y-12 SW-EIS. Construction of the Enriched Uranium Facility is scheduled to overlap significantly the construction of the Special Materials Complex.

The same connection of the three facilities is made in Y/EN-5880, Y-12 *Site Integrated Modernization Requirements Document*, September, 1999 which states "...the following will be planned as initial line items: Highly Enriched Uranium Materials Facility, Special Materials Complex, Enriched Uranium Operations Facility." In the Y-12 SW-EIS, the Enriched Uranium Facility is described in detail which consumes twice as much paper as any other proposed future facility. It is ripe for proposal and full consideration in the Y-12 SW-EIS.

Furthermore, the Y-12 *Site Integrated Modernization Requirements Document*, states "A Site-Wide Environmental Impact Statement will be completed and a Record of Decision issued to serve as the top-tier National Environmental Policy Act Strategy." (p.13)

These documents provide evidence that DOE has prepared a master plan for construction not only of the facilities proposed in the current Draft Y-12 SW-EIS, but of additional major construction projects. Furthermore, it is DOE's intent to use the Y-12 SW-EIS to provide an initial Record of Decision to cover the entire Modernization

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nuclear weapons, or alter nuclear explosive devices or control over them. Continuation of the Y-12 DP mission, and construction and operation of the HEU Materials Facility and Special Materials Complex by the United States does not conflict with this treaty. The proposed action, which includes continuing weapons dismantlement activities at Y-12, fully supports the goals of Article VI of the Nuclear Nonproliferation Treaty, in which signatory nations agree to work toward total disarmament.

DOE has analyzed the potential environmental impacts identified for the proposed action and alternatives in the Y-12 SWEIS. This analysis includes the direct, indirect, and cumulative environmental consequences of the continued operation of the Y-12 National Security Complex, and the construction and operation of new facilities for the HEU Storage and Special Materials missions. The proposed action is not expected to have any impacts upon the nuclear weapons endeavors of other nations; would not violate or impact any international treaties or agreements; would not have any impact on ongoing negotiations to further reduce nuclear weapons stockpiles; and would not promote nuclear proliferation.

In response to the need for the capacity for nuclear weapons production, DOE contends that downsizing of Y-12 and rightsizing of the manufacturing mission is appropriate based on the reduced requirements for a smaller nuclear weapons stockpile. There is no envisioned or implemented increase in nuclear weapons production in the Y-12 SWEIS proposed action or alternatives because no new nuclear weapons would be produced.

The Stockpile Stewardship and Management (SSM) Record of Decision (ROD) and the Stockpile Management Restructuring Initiative did not rule out the construction of new facilities for the HEU Storage Mission or the Special Materials Mission activities at Y-12. The current downsizing of the Y-12 infrastructure and rightsizing of the secondary and case mission manufacturing base is consistent

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